

Docket No: 33546-01  
Patent


the alkoxyated alcohols as well as the instant amounts/ratios of ingredients would have been determined during routine experimentation. This rejection is respectfully traversed.

This invention relates to an emulsifiable concentrate containing at least a fungicidal crop protective azole and an alkoxyated alcohol known to enhance the activity of the azole. Valcke does not teach or suggest the necessity of the presence of the alkoxyated alcohol in the emulsifiable concentrate.

There is motivation in Valcke for one of ordinary skill in the art to arrive at the instant claimed invention. Valcke sets forth many different ingredients that can be used in many types of formulations. There is no direction in Valcke for one of ordinary skill to choose the specific ingredients in the instant formulation. Further, as the Examiner has stated, Valcke does not teach a composition comprising and alkoxyated alcohol with the instant number of carbons or the instant amounts and ratios of components. The number of carbons of the alkoxyated alcohol has an effect on the solubility of other components in the formulation. Valcke also does not teach a composition with the same components. The emulsifiable concentrates in Valcke do not have a non-ionic dispersant or a combination of an aprotic solvent and a nonpolar organic solvent. From the huge list of variables suggested by Valcke, there is no direction to one of ordinary skill in the art to arrive at the combination of components in the ratios described. Reconsideration is respectfully requested.

Should the Examiner believe that a telephone call to the undersigned would favorably advance the prosecution of this application or favorably narrow any outstanding issues, he is respectfully invited to call at the telephone number indicated below.

Respectfully submitted

  
Barbara V. Maurer  
Reg. No. 31,278  
Attorney for Applicants  
(609) 716 - 2317BASF Corporation  
P.O. Box 400  
Princeton, NJ 08543-0400